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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,588	09/07/2000	Michael J. Duigou	5181-72300	1253

7590 07/27/2007
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EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/656,588

Applicant(s)

DUIGOU ET AL.

Examiner

Douglas B. Blair

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2142

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-33, 35-51, 53 and 54.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner's Response is featured on the next page of this letter.

Continuation of 13. Other: The applicant's claim amendments to claims 32, 38-51 and 53-54 have been entered and overcome the previously presented objections.

Response to Arguments

Applicant's arguments filed 7/9/2007 have been fully considered but they are not persuasive. Before addressing the limitations specifically, the Examiner points out that the arguments provided by the applicant do not reference the applicant's disclosure to explain how the claims are to be interpreted. Instead, the applicant argues that the applied references do not teach the claim language. The Examiner addresses the arguments as follows.

The applicant argues that Hermann does not teach or suggest of information that describes an interface to access a service however the applicant's interpretation of Hermann ignores the point of the Hermann invention which is to provide services over a wireless connection. The devices in Hermann would never be able to access the discovered services if they were not obtaining some form of information that describes an interface to access a service.

The applicant then argues that Hermann does not show service provided directly to the client devices. The Examiner disagrees. Col. 7, lines 62-64, clearly shows that Hermann is embodied on a point-to-point connection between the devices. If the, as alleged by the applicant, Hermann does not teach a direct connection, then how are the devices connecting to each other's services? There are no intervening devices disclosed by Hermann so the only conclusion that can be drawn is that the services are accessed directly.

The applicant argues that in Hermann all of the devices are on the same local network and therefore cannot read on the limitation of "bridging from a transport connection to a direct point-to-point communication link". In response the Examiner maintains that the limitation in question is broad enough to cover the Examiner's interpretation given that the applicant has not

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explained how the claim relates to the applicant's disclosure. The applicant does not explain what is meant by a transport connection or how the term is to be interpreted in light of the applicant's specification. If, as alleged by the applicant on page 21 in the applicant's remarks that, "one of ordinary skill in the art would recognize the term transport in relation to the area of network communications", then it should not be hard for the applicant to show an example of what is meant by a transport or how the term is shown in the applicant's specification.

As to the argument on pages 16-18 regarding documents, it appears the applicant understands the Examiner's rejection but disagrees. The Examiner maintains that the combination of Hermann and Humpleman teach the limitations of the claims for the reasons previously stated in the last office action. On page 22, the applicant disagrees with the motivation for combining Humpleman and Hermann. The Examiner maintains that this motivation is proper for the reasons previously presented.

As to the argument presented against the Herman reference on pages 28-29, the Examiner points out that the claim does not specify that security credential is provided to the client before the service is accessed so the applicant's arguments do not apply to the claimed invention. As to the other argument on page 29, it is unclear why the applicant but "the transaction server" in parenthesis and then argued such a limitation when such a limitation is not in the claim.

Finally the applicant argues that it would not have been obvious to combine Hermann and Humpleman with Herman but the Examiner maintains the reasoning presented in the last office action given the generic authentication claimed by the applicant.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893.


The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas Blair

DBB



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER